

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Fay N. Scott,

Plaintiff,

v.

South Carolina Office of Attorney
General,

Defendant.

C/A No. 3:23-cv-1963-JFA

ORDER

Plaintiff, Fay N. Scott (“Plaintiff”), a self-represented litigant, brings this employment action. (ECF No. 1). In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2)(e) (D.S.C.), the case was referred to the Magistrate Judge for initial review.

The Magistrate Judge assigned to this action¹ issued a thorough Report and Recommendation (“Report”). (ECF No. 20). Within the Report, the Magistrate Judge opines Plaintiff’s action should be dismissed for failure to prosecute pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. The Report sets forth, in detail, the relevant facts and standards of law on this matter, and this Court incorporates those facts and standards without recitation.

¹ The Magistrate Judge’s review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(d) (D.S.C.). The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261 (1976).

Plaintiff filed this action on May 11, 2022. (ECF No. 1). Thereafter, she filed a motion to proceed *in forma pauperis*. (ECF No. 2). On May 23, 2023, the Magistrate Judge assigned to this action issued a Report and Recommendation (ECF No. 8) which recommended this Court deny Plaintiff's motion and direct Plaintiff to pay the filing fee within fourteen days. (ECF No. 8). Plaintiff failed to file any objections to this Report, and thereafter, this Court adopted the Report in full by denying Plaintiff's motion and ordering Plaintiff to pay the filing fee by July 11, 2023. (ECF No. 14).

On July 5, 2023, this Court's Order was returned to the Clerk of Court as undeliverable by the United States Postal Service. (ECF No. 17). However, Plaintiff has not advised this Court of a change of address, and there has been no indication that Plaintiff has not received any of this Court's other filings such as the first Report (ECF No. 8) or the instant Report (ECF No. 20).

On July 17, 2023, the Magistrate Judge advised Plaintiff to notify the Clerk of Court in writing of any address changes. (ECF No. 19). Thereafter, the Magistrate Judge filed the instant Report and Recommendation which opines this matter should be dismissed for Plaintiff's failure to prosecute pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. (ECF No. 20). Out of an abundance of caution, the Magistrate Judge provides an alternative remedy by recommending the Report be vacated and the matter referred to the Magistrate Judge for further handling if Plaintiff were to appear or respond in any way to the Report or any of the Court's filings.

Plaintiff was advised of her right to object to the Report, which was entered on the docket on July 17, 2023. *Id.* The Magistrate Judge required Petitioner to file objections by

July 28, 2023. (ECF No. 20). Petitioner failed to file objections, otherwise respond to the Report, or attempt to communicate with the Court in any way. Thus, this matter is ripe for review.

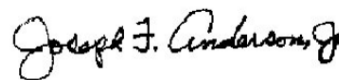
A district court is only required to conduct a *de novo* review of the specific portions of the Magistrate Judge's Report to which an objection is made. *See* 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b); *Carniewski v. W. Virginia Bd. of Prob. & Parole*, 974 F.2d 1330 (4th Cir. 1992). In the absence of specific objections to portions of the Magistrate's Report, this Court is not required to give an explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

After carefully reviewing the applicable laws, the record in this case, and the Report, this Court finds the Magistrate Judge correctly concluded that this matter should be dismissed for Plaintiff's failure to prosecute. In the absence of any objections to the Report, this Court is not required to give an explanation for adopting the Magistrate Judge's recommendation. *Id.* However, after a review of the record, this Court agrees with the Report's findings and adopts the Report in full.

Therefore, this Court adopts the Report in full (ECF No. 20) and dismisses this action without prejudice.

IT IS SO ORDERED.

August 16, 2023
Columbia, South Carolina



Joseph F. Anderson, Jr.
United States District Judge